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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/690,816

10/23/2003

David Andrew Matthews

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5432

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7590

02/03/2009

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EXAMINER

SHIH, HAOSHIAN

ART UNIT

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/690,816	<b>Applicant(s)</b> MATTHEWS ET AL.	
	<b>Examiner</b> HAOSHIAN SHIH	<b>Art Unit</b> 2173	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 28 October 2008.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-24,30 and 31 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-24,30 and 31 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

### **DETAILED ACTION**

1. Claims 1-24 and 30-31 are pending in this application and have been examined in response to application amendment filed on 10/28/2008.
2. Application effective date: 10/23/2003.

### ***Claim Objections***

3. Claims 1 and 19 recites the limitation "wherein said menu items comprise at least one section containing only operating system specific menu items and a second section containing only application program specific menu items" is grammatically awkward.

### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. **Claims 1-8, 10-12 and 19-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over ObjectDock demo**

**([http://web.archive.org/web/20030803152245/http://www.stardock.com/video/demo\\_objectdock.wmv](http://web.archive.org/web/20030803152245/http://www.stardock.com/video/demo_objectdock.wmv), http link from wayback machine dated 08/03/2003)**

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**supplemented by ObjectDock readme file, and Gardner et al. (Gardner, US 7,003,734 B1).**

6. As to **INDEPENDENT** claim 1, ObjectDock demo discloses a computer generated graphical user interface for accepting user input commands comprising a first area containing a plurality of menu items (demo, fig1; a list of menu items displayed graphically are indicated); and

a second area that includes an icon selected from a set of icons based on the location of a pointer relative to the menu items (demo, fig.5, fig.6; the second area overlaps the first area and displays an animated icon that is associated with the menu item);

wherein the graphical user interface is part of an operating system shell (demo, audio narration from time 00:00:07- 00:00:09 “Object dock is a new program from stardock that acts as both a program launcher and a task manager.”).

ObjectDock demo does not disclose wherein said menu items comprise at least one section containing only operating system specific menu items and a second section containing only application program specific items; [and] wherein the first and second area do not overlap.

In the same field of endeavor, ObjectDock readme file and fig.1A provides the structure for implementing wherein said menu items comprise at least one section containing only operating system specific menu items and a second section containing only application

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program specific items (a divider displayed between a first section and a second section (fig.1A), drag and drop operation of different file objects / menu items (ObjectDock readme file, section "0.70") is provided).

It would have been obvious to one of ordinary skill in the art, having the teaching of ObjectDock demo supplemented by ObjectDock readme file before him at the time of the invention was made, to categorize different types of menu items by designating a specific location on the user interface with the motivation to provide a sorted placement of menu items, allowing faster access of a specific menu item category. ObjectDock demo supplemented by ObjectDock readme file do not disclose wherein the first and second area do not overlap.

In the same field of endeavor, Gardner discloses wherein the first and second area do not overlap (fig.3, hot spot "100" and image "120"; col.6, lines 38-40; col.7, lines 11-13; the second area containing an icon or an image is located adjacent to the first area or the hot spot).

It would have been obvious to one of ordinary skill in the art, having the teaching of ObjectDock demo supplemented by ObjectDock readme file and the teaching of Gardner before him at the time the invention was made, to modify the menu item selection method in a graphic user interface environment taught by ObjectDock demo supplemented by ObjectDock readme file to include pop-up graphics in a graphic user

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interface environment taught by Gardner with the motivation being to provide additional visually perceivable information associated with the selected menu item (Gardner, col.3, lines 48-51).

7. As to claim 2, ObjectDock demo discloses a computer generated graphical user interface of claim 1 wherein the first area is a start menu (demo, audio narration from time 00:00:07- 00:00:09 “Object dock is a new program from stardock that acts as both a program launcher and a task manager.” ObjectDock acts as a program launcher and a task manager, which reads on a start menu).

8. As to claims 3, ObjectDock discloses a computer generated graphical user interface wherein the icon is an animated icon (demo: fig5, fig6; the icon deforms and rocks up and down).

9. As to claim 4, Gardner discloses wherein the animated icon appears as hovering over at least a portion of the second area (fig.3, “120”; col.6, lines 41-43, “animated images” or animated icons).

10. As to claim 5, ObjectDock demo discloses a computer generated graphical user interface wherein the animated icon is three-dimensional in appearance (demo: fig2; icons appears to be shaded and have length, width and depth.).

11. As to claim 6, ObjectDock demo discloses a computer generated graphical user interface, wherein the hovering icon comprises a three-dimensional appearing object located in the shell namespace (demo: fig4).

12. As to claim 7, ObjectDock demo discloses a computer generated graphical user interface wherein the animated icon further appears reflected in the start menu to give a further three-dimensional hovering effect (demo: fig8; by selecting an icon that has a reflection will achieve the same result.).

13. As to claim 8, ObjectDock demo discloses a computer generated graphical user interface wherein the animated icon appears as rocking from side-to-side (demo: fig5, fig6).

14. As to claim 10, ObjectDock demo discloses a computer generated graphical user interface wherein the animated icon is contextually related to an item in the start menu over which the pointer is located (demo: fig9, fig10; menu item of an e-mail program is associated with a mail box icon).

15. As to claim 11, ObjectDock demo discloses a computer generated graphical user interface wherein the contextually related animated icon provides an indication of an

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action that will occur if the menu item is selected (demo: fig11; upon the selection of a web browser menu item, an icon of a globe animates and launches the browser).

16. As to claim 12, ObjectDock demo discloses a computer generated graphical user interface wherein the icon is located immediately adjacent to the start menu (demo: fig1, fig2; when the mouse hovers over a menu item on the ObjectDock, an icon appears adjacent to ObjectDock ).

17. As to claim **INDEPENDENT** 19, see rationale addressed in the rejection of claim 1 above.

18. As to claim 20, ObjectDock demo discloses a computer generated graphical user interface wherein the icon is an animated icon (demo: fig5, fig6; the icon deforms and rocks up and down).

19. As to claim 21, ObjectDock demo discloses the menu is a start menu (demo, audio narration from time 00:00:07- 00:00:09 “Object dock is a new program from stardock that acts as both a program launcher and a task manager.” ObjectDock acts as a program launcher and a task manager, which reads on a start menu).



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20. As to claim 22, ObjectDock demo discloses the animated icon is contextually related to its associated menu item in the start menu (demo: fig9, fig10; menu item of an e-mail program is associated with a mail box icon).

21. As to claim 24, ObjectDock demo discloses the animated icon is a predefined object type in the shell namespace (demo: audio narration from time 00:03:12 – 00:03:20 “Object dock will accept any .png or icon files.”).

**22. Claims 13-16 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over ObjectDock demo, and Gardner.**

23. As to **INDEPENDENT** claim 13, ObjectDock demo discloses a method of providing visual feedback in a graphical user interface having a menu comprising a plurality of displayed menu items (demo, fig1), each menu item being associated with an icon different in appearance from the associated menu item (demo, fig.5, fig.6; animated icons are different in appearance), comprising the steps of:

receiving user input that causes a pointer to be located over a menu item (fig.4, a user hovers over a menu item);

in response to the user input, displaying the icon associated with that menu item in a distinct area of the graphical user interface (demo, fig5, fig6; when a user input is

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detected over a menu item, the screen shows an animated icon that is associated with the menu item in a distinct area which overlaps directly on top of the menu item);

wherein the graphical user interface is part of an operating system shell (demo, audio narration from time 00:00:07- 00:00:09 "Object dock is a new program from stardock that acts as both a program launcher and a task manager.").

ObjectDock does not disclose wherein the distinct area remains in a fixed position relative to the pointer [; and] wherein the distinct area does not overlap the menu item

In the same field of endeavor, Gardner discloses wherein the distinct area remains in a fixed position relative to the pointer (fig.3; col.6, lines 38-40; the image area "120" is in a fixed position relative to the pointer "110" wherein the pointer "110" is in a fixed area relative to the hot spot "110") [; and]

wherein the distinct area does not overlap the menu item. (fig.3, hot spot "100" and image "120"; col.6, lines 38-40; col.7, lines 11-13; the second area containing an icon or an image is located adjacent to the first area or the hot spot).

It would have been obvious to one of ordinary skill in the art, having the teaching of ObjectDock and Gardner before him at the time the invention was made, to modify the menu item selection method in a graphic user interface environment taught by ObjectDock to include pop-up graphics in a graphic user interface environment taught

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by Gardner with the motivation being to provide additional visually perceivable information associated with the selected menu item (Gardner, col.3, lines 48-51).

24. As to claim 14, ObjectDock discloses a computer generated graphical user interface wherein the icon is an animated icon (demo: fig5, fig6; the icon deforms and rocks up and down).

25. As to claims 15, ObjectDock discloses the menu is a start menu (demo, audio narration from time 00:00:07- 00:00:09 “Object dock is a new program from stardock that acts as both a program launcher and a task manager.” ObjectDock acts as a program launcher and a task manager, which reads on a start menu).

26. As to claims 16, ObjectDock discloses the animated icon is contextually related to its associated menu item in the start menu (demo: fig9, fig10; menu item of an e-mail program is associated with a mail box icon).

27. As to claims 18, ObjectDock discloses the animated icon is a predefined object type in the shell namespace (demo: audio narration from time 00:03:12 – 00:03:20 “Object dock will accept any .png or icon files.”).

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**28. Claim 17 is are rejected under 335 U.S.C. 103(a) as being unpatentable over ObjectDock demo, Gardner and Viellescaze et al. (Viellescaze, US 2004/0179043 A1).**

29. As to claim 17, ObjectDock demo and Gardner do not disclose the wherein the displaying step further comprises an introduction animation element that causes the animated icon to move and flip; a looping animation; and an ending animation that changes the icon back to its original appearance.

In the same field of endeavor, Viellescaze discloses displaying step further comprises an introduction animation element that causes the animated icon ([0049], the dimension of the animated “agent” can be reduced to the size of an icon) to move and flip ([0195], the animated icon is associated with a series predefined movements); a looping animation ([0205]); and an ending animation that changes the icon back to its original appearance ([0216]).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the invention to combine the teachings of ObjectDock demo and Gardner and the teaching of Viellescaze in order to provide an interactive interface in order to capture/retain user’s attention (Viellescaze, [0001]).

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**30. Claim 23 is rejected under 35 U.S.C. 103(a) as being unpatentable over ObjectDock demo supplemented by ObjectDock readme file, Gardner and Viellescaze et al. (Viellescaze, US 2004/0179043 A1).**

31. As to claim 23, ObjectDock demo supplemented by ObjectDock readme file and Gardner do not disclose the wherein the displaying step further comprises an introduction animation element that causes the animated icon to move and flip; a looping animation; and an ending animation that changes the icon back to its original appearance.

In the same field of endeavor, Viellescaze discloses displaying step further comprises an introduction animation element that causes the animated icon ([0049], the dimension of the animated “agent” can be reduced to the size of an icon) to move and flip ([0195], the animated icon is associated with a series predefined movements); a looping animation ([0205]); and an ending animation that changes the icon back to its original appearance ([0216]).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the invention to combine the teachings of ObjectDock demo supplemented by ObjectDock readme file and Gardner and the teaching of Viellescaze in order to provide an interactive interface in order to capture/retain user’s attention (Viellescaze, [0001]).

**32. Claims 9, 30 and 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over ObjectDock demo supplemented by ObjectDock readme file, Gardner and Rosendahl et al. (Rosendahl, US Patent 5,452,414).**

33. As to claim 9, ObjectDock demo and Gardner do not disclose the animated icon rotates based on the movement of the pointer.

In the same field of endeavor, Rosendahl discloses the icon rotates based on the movement of the pointer (col 4, line 13-15).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the invention to combine the teachings of ObjectDock demo supplemented by ObjectDock readme file and Gardner and the teaching of Rosendahl in order to provide additional information associated with the icon (Rosendahl, col.1, lines 60-64).

34. As to **INDEPENDENT** claim 30, ObjectDock demo discloses one or more computer readable storage media storing executable instructions for providing, as part of an operating system shell, a computer generated graphical user interface for accepting user input commands, said graphical user interface comprising:

a pointer for selecting menu items and icons (demo: fig1);

an animated three-dimensional appearing icon is displayed in a different discrete section from its corresponding menu item (demo, fig5, fig6; when a user input is detected over a menu item, the screen shows an animated icon that is associated with the menu item in a distinct area which overlaps directly on top of the menu item);

wherein the appearance of the animated three-dimensional icon is contextually related to the operating system specific function called by selecting the menu item(demo: fig10). ObjectDock demo does not specifically disclose a start menu divided into a plurality of discrete sections, at least one of the sections containing only operating system specific menu items and a second section containing only application program specific menu items; the animated three-dimensional appearing icon that moves side-to-side so that the users can see the edges rotating and the icons are non-overlapping from the corresponding menu item.

In the same field of endeavor, ObjectDock readme file provides the structure for implementing a start menu divided into a plurality of discrete sections, at least one of the sections containing only operating system specific menu items and a second section containing only application program specific menu items (a divider displayed between a first section and a second section (fig.1A), drag and drop operation of different file objects / menu items (ObjectDock readme file, section "0.70") is provided).

It would have been obvious to one of ordinary skill in the art, having the teaching of ObjectDock demo supplemented by ObjectDock readme file before him at the time of

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the invention was made, to categorize different types of menu items by designating a specific location on the user interface with the motivation to provide a sorted placement of menu items, allowing faster access of a specific menu item category. ObjectDock demo supplemented by ObjectDock readme file do not disclose the animated three-dimensional appearing icon that moves side-to-side so that the users can see the edges rotating and the icons are non-overlapping from the corresponding menu item.

In the same field of endeavor, Gardner discloses the icons are non-overlapping from the corresponding menu item (fig.3, hot spot "100" and image "120"; col.6, lines 38-40; col.7, lines 11-13; the second area containing an icon or an image is located adjacent to the first area or the hot spot).

It would have been obvious to one of ordinary skill in the art, having the teaching of ObjectDock demo supplemented by ObjectDock readme file and Gardner before him at the time the invention was made, to modify the menu item selection method in a graphic user interface environment taught by ObjectDock demo supplemented by ObjectDock readme file to include pop-up graphics in a graphic user interface environment taught by Gardner with the motivation being to provide additional visually perceivable information associated with the selected menu item (Gardner, col.3, lines 48-51).



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ObjectDock demo supplemented by ObjectDock readme file and Gardner do not disclose the animated three-dimensional appearing icon that moves side-to-side so that the users can see the edges rotating.

In the same field of endeavor, Rosendahl discloses an animated three-dimensional appearing icon that moves side-to-side so that the users can see the edges rotating (col 4, line 13-15).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the invention to combine the teachings of ObjectDock demo supplemented by ObjectDock readme file and Gardner and the teachings of Rosendahl in order to provide additional information associated with the icon (Rosendahl, col.1, lines 60-64).

35. As to claim 31, Rosendahl discloses the computer generated user interface of the side-to-side movement of the three-dimensional appearing icon is determined in real-time in response to a movement of the pointer (col 4, line 06-15).

### ***Response to Arguments***

36. Applicant's arguments with respect to claims 1, 4, 19 and 30 have been considered but are moot in view of the new ground(s) of rejection.

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37. Applicant argues Gardner does not disclose wherein the distinct area remains in a fixed position relative to the pointer.

In response to applicant's argument, Gardner discloses that the distinct image area "120" is in a fixed position relative to the pointer "110" wherein the pointer "110" is in a fixed area relative to the hot spot "110" (fig.3; col.6, lines 38-40).

### ***Conclusion***

38. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to HAOSHIAN SHIH whose telephone number is (571)270-1257. The examiner can normally be reached on m-f 0730-1700.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kieu Vu can be reached on (571) 272-4057. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

HSS

/Kieu D Vu/  
Primary Examiner, Art Unit 2175